

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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JAIRO VILLATORO, ROGER ROWE

Plaintiffs,

-against-

ORDER
24-CV-8557(JMA)(AYS)

WILMINGTON SAVINGS FUND SOCIETY, FSB,
doing business as CHRISTIANA TRUST, *et al.*,

Defendants.

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AZRACK, United States District Judge:

The Court's records reflect that the complaint in this action was filed on December 16, 2024 together with the filing fee and a summons was issued. (ECF Nos. 1-2; Receipt No. 200004575.) Pursuant to Rule 4(c)(1) of the Federal Rules of Civil Procedure:

A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

FED. R. CIV. P. 4(c)(1) (emphasis added). Moreover, pursuant to Rule 4(m):

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

FED. R. CIV. P. 4(m).

Accordingly, IT IS ORDERED that **Plaintiffs comply with their Rule 4 obligations on or before March 17, 2025**. Once the Defendants are served, Plaintiffs shall promptly file a return of service. **PLAINTIFFS ARE ON NOTICE:** If they fail to timely serve the summonses and complaint, and do not otherwise communicate with the Court why such service has or has not been made, the complaint will be subject to dismissal without prejudice in accordance with Federal Rule

of Civil Procedure 4(m).¹

IT IS FURTHER ORDERED that the Clerk of Court is directed to mail a copy of this order to Plaintiffs at their addresses of record and to note such mailing on the docket.

Plaintiffs are required to advise the Clerk of the Court of any change of address. Failure to keep the Court informed of Plaintiffs' current address means the Court will not know where to contact Plaintiffs and may result in dismissal of the case.

SO ORDERED.

Dated: March 4, 2025
Central Islip, New York

(/s/ JMA)

JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE

¹The Court encourages Plaintiffs to consult with the Hofstra Law *Pro Se* Clinic located in the Central Islip Courthouse, which can provide free information, advice, and limited scope legal assistance to non-incarcerated *pro se* litigants. The Court notes that the *Pro Se* Clinic is not part of, nor affiliated with, the United States District Court. Consultations with the *Pro Se* Clinic can be conducted remotely via telephone. To make an appointment, email the *Pro Se* Clinic at PSLAP@Hofstra.edu or leave a message at (631) 297-2575.